

FIRST REGULAR SESSION

# SENATE BILL NO. 414

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR PURGASON.

Read 1st time February 24, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1287S.02I

## AN ACT

To repeal sections 65.030, 65.150, 65.180, 65.190, 65.200, 65.220, 65.230, 65.300, 65.610, and 231.230, RSMo, and to enact in lieu thereof eleven new sections relating to counties with township organization.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 65.030, 65.150, 65.180, 65.190, 65.200, 65.220, 65.230, 65.300, 65.610, and 231.230, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 65.030, 65.150, 65.180, 65.183, 65.190, 65.200, 65.220, 65.230, 65.300, 65.610, and 231.230, to read as follows:

65.030. 1. Upon petition of at least [one hundred] **ten percent of the voters at the last general election** of any county of the third or fourth classes praying therefor, which said petition shall be filed in the office of the clerk of the county commission, the county commission of such county shall, by order of record, submit the question of the adoption of township organization form of county government to a vote of the voters of the county. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition.** If such petition shall be filed sixty days or more prior to a general election, the proposition shall be submitted at said general election; if filed less than sixty days before such election, then the proposition shall be submitted at the general election next succeeding said general election. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the adoption of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published.

**EXPLANATION**--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2. The question shall be submitted in substantially the following form:

Shall the township organization form of county government be adopted in ..... county?

3. If a majority of the voters voting upon the question shall vote for the adoption thereof the township organization form of county government shall be declared to have been adopted; provided, that counties adopting township organization shall be subject to and governed by the provisions of the law relating to township organization on and after the last Tuesday in March next succeeding the election at which such township organization was adopted.

65.150. No person shall be eligible to any township office unless he shall be a voter and a resident of such township. **Such person serving as a township officer must remain a resident of the township for the duration of his or her term.**

65.180. Any person chosen or appointed to fill any township office, who shall refuse to serve, shall forfeit to the township the sum of [five] **one hundred** dollars for the use of the contingent fund, and said forfeiture, if not otherwise paid, shall be collected by any associate circuit judge of the county, as may be provided by law.

**65.183. Any person serving as a township officer may be removed from the township board by a majority vote of the other board members for failing to attend two or more consecutive meetings of the board.** 65.190. If any township officer who is required by law to take the oath of office shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the township the sum of [twenty] **one hundred** dollars, to be collected and applied as in section 65.180. Township officers shall hold their offices for two years, and until their successors are chosen or appointed and qualified.

65.200. Whenever any township shall fail to elect the proper number of officers to which such township may be entitled, or when any person elected or appointed shall fail to qualify, or when any vacancy shall happen in any township office from any cause, it shall be lawful for the township board to **submit recommendations to the county commission** to fill such vacancy by appointment, and the person so appointed shall hold the office and discharge all the duties of the same during such unexpired term, and until his successor is elected or appointed and qualified, and shall be subject to the same penalties as if he had been duly elected; provided, that any vacancy in **an office of the township [board]** shall be filled by appointment of the county commission.

65.220. The township board may, at any legally convened meeting, for a good and sufficient cause shown to them, accept the **written, dated, and signed** resignation of any township officer; provided, that in all cases where the action of the township board is required, as provided in section 65.210, a majority of the members concurring therein, shall be taken as the action of the board.

65.230. The following township officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the services of the township in discharging the duties of their respective offices:

(1) The township clerk, as clerk, the township trustee, as trustee, members of the township board, shall each receive [for their services six dollars per day] **a maximum amount of fifty dollars per day** for the first meeting each month and [two and one-half] **a maximum amount of twenty** dollars for each meeting thereafter during the month[, and may receive up to twenty-five dollars per day for the first meeting each month and up to ten dollars for each meeting thereafter during the month. The township clerk shall receive fees for the following, and not per diem: for serving notices of election or appointment upon township officers, as required by law, twenty-five cents each; for filing any instrument of writing, ten cents; for recording any order or instrument of writing, authorized by law, ten cents for every hundred words and figures; for copying and certifying any record in his office, ten cents for every hundred words and figures, to be paid by the person applying for the same]; [and]

(2) The township trustee as ex officio treasurer shall receive a compensation of two percent for receiving and disbursing all moneys coming into his hands **for the first fifty thousand dollars received** as ex officio treasurer when the same shall not exceed the sum of one thousand dollars and one percent of all sums over this amount; **and**

(3) **Township officials may receive an hourly wage set by the township board for labor performed for the benefit of the township. Such wage shall not exceed the local prevailing wage limits and shall not include pay received for attending monthly meetings or pay received by the treasurer for performing duties required of his or her office.**

65.300. The township board of directors shall meet [at the office of the township clerk] **on a quarterly basis, or more frequently as deemed necessary by the board,** for the purpose of transacting [such] **township** business [as may be by them deemed necessary, triannually, on the third Wednesday after the first Tuesday in April, the first Tuesday after the first Monday in July, and on the third Monday of November of each year, and at such other times as the interest of the township may require]. **The meetings of the township board shall be held at a location within the township that is accessible to the public.**

65.610. 1. Upon the petition of at least [one hundred qualified electors] **ten percent of voters at the last general election** of any county having heretofore adopted township organization, praying therefor, the county commission shall submit the question of the abolition of township organization to the voters of the county at a general or special election. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the**

**number of voters necessary to sign the petition.** If the petition is filed six months or more prior to a general election, the proposition shall be submitted at a special election to be ordered by the county commission within sixty days after the petition is filed; if the petition is filed less than six months before a general election, then the proposition shall be submitted at the general election next succeeding the filing of the petition. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the abolition of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published at least once each week for three successive weeks, the last insertion to be not more than one week prior to the election, in some newspaper published in the county where the election is to be held, if there is a newspaper published in the county and, if not, by posting printed or written handbills in at least two public places in each election precinct in the county at least twenty-one days prior to the date of election. The clerk of the county commission shall provide the ballot which shall be printed and in substantially the following form:

OFFICIAL BALLOT

(Check the one for which you wish to vote)

Shall township organization form of	YES ....
county government be abolished in .... County?	NO ....

If a majority of the electors voting upon the proposition shall vote for the abolition thereof the township organization form of county government shall be declared to have been abolished; and township organization shall cease in said county; and except as provided in section 65.620 all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

2. No election or any proposal for either the adoption of township organization or for the abolition of township organization in any county shall be held within two years after an election is held under this section.

231.230. Whenever it shall be necessary in any township to build a bridge, the cost of which shall exceed [one hundred] **forty-five hundred** dollars, the township board of directors shall make out and cause to be presented to the county commission a certified statement of the amount of money necessary for the construction thereof, and, if deemed proper, the said county commission shall cause the bridge to be built by contract as provided by law.